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10/645,464	08/21/2003	Robert Wakley	23-0282	7995

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EXAMINER

PHAN, HAU VAN

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/645,464

Applicant(s)

WAKLEY, ROBERT

Examiner

Hau V Phan

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/21/2003.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on 8/21/2003 has been considered.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-3 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Cook (6,270,096).**

Cook in figure 1, discloses an inline skateboard assembly comprising a generally planar elongated board (12), a plurality of roller sets (21, 22), each roller set have a plurality of rollers (34), wherein each roller set is fixedly coupled to an underside of the board to form a line of roller sets to allow the board to move backward and forward along a longitudinal axis of the aligned roller sets.

Regarding claim 2, Cook discloses the rollers of each roller set, which are aligned to form a single row of rollers.

Regarding claim 3, Cook discloses the longitudinal axis of the aligned roller sets, which is vertically aligned with a longitudinal axis passing through a center of the board when the roller sets are in a vertical position.

Regarding claim 10, Cook discloses the roller sets, which has a cumulative total of eight (col. 3, lines 21-26).

Regarding claim 11, Cook discloses each of the roller sets, which is constructed of polyurethane.

Regarding claim 12, Cook discloses each of the roller sets including an internal set of ball bearings (col. 3, lines 31-36).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (6,270,096) as applied to claim 1 above, and further in view of Yi (5,660,401).**

Cook discloses the inline skateboard, but fails to show a brake member.

Yi in figures 5-6, teaches an inline skateboard having a brake member (57), which is positioned adjacent to one of a roller (33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inline

skateboard of Cook with the addition of a brake member as taught by Yi in order to stop or slow the inline skateboard motion as circumstances may require on steep slopes.

Regarding claim 5, Yi discloses the board having upwardly turned ends.

Regarding claim 6, Yi discloses the board having a length of about 31 inches and a width about 8 inches (col. 4, lines 1-5, the platform is sufficient for a person to stand with both feet on the platform).

Regarding claim 7, Yi discloses the roller (33), which is about three-quarter inches in diameter and a clearance between the roller and the board is about 1 inch. Therefore, a height to position the board approximately 4 inches above a supporting surface.

Regarding claim 8, Yi discloses the board, which is substantially octagonal.

**6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (6,270,096) as applied to claim 1 above, and further in view of Hanson (6,386,561).**

Cook discloses the inline skateboard, but fails to show the board, which is constructed of a material chosen from the group of material consisting of wood, fiberglass and plastic.

Hanson in figures 1-2, teaches a skateboard comprising a board deck (100), which is constructed of a material chosen from the group of material consisting of wood, fiberglass and plastic. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inline skateboard of Cook with the skateboard comprising a board deck, which is constructed of a material chosen from the

group of material consisting of wood, fiberglass and plastic as taught by Hanson in order to reduce weight and durable for the skateboard in the modern day skateboarder.

**7. Claims 1-3, 10-12 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Namiki (6,428,022) as applied to claim 1 above, and further in view of Hegna (4,382,605).**

Namiki in figures 1-3, discloses an inline skateboard assembly comprising a generally planar elongated board (10), a plurality of roller sets (12, 14), each roller set have rollers (18, 20), wherein each roller set is fixedly coupled to an underside of the board to form a line of roller sets to allow the board to move backward and forward along a longitudinal axis of the aligned roller sets. Namiki fails to show each roller set having a plurality of rollers.

Hegna in figures 1-2, teaches a tilt steering tandem wheeled, which can be used as a skateboard comprising a plurality of roller sets (8), each roller set having a plurality of rollers (7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inline skateboard of Namiki with the tilt steering tandem wheel having a plurality of roller sets as taught by Hegna in order to keep a variety of the rollers not prone to jerks of directional changes when one roller hits an unevenness in the road.

Regarding claim 2, Hegna discloses the rollers of each roller set, which are aligned to form a single row of rollers.

Regarding claim 3, Hegna discloses the longitudinal axis of the aligned roller sets, which is vertically aligned with a longitudinal axis passing through a center of the board when the roller sets are in a vertical position.

Regarding claim 10, Hegna discloses the roller sets, which can be had a cumulative total of eight.

Regarding claim 11, Hegna discloses each of the roller sets, which is constructed of polyurethane.

Regarding claim 12, Hegna discloses each of the roller sets including an internal set of ball bearings (as shown in figure 1).

**8. Claims 4-8 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Namiki (6,428,022) in view of Hegna as applied to claim 1 above, and further in view of Yi (5,660,401).**

The combination of Namiki and Hegna disclose the inline skateboard, but fail to show a brake member.

Yi in figures 5-6, teaches an inline skateboard having a brake member (57), which is positioned adjacent to one of a roller (33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inline skateboard of Namiki in view of Hegna with the addition of a brake member as taught by Yi in order to stop or slow the inline skateboard motion as circumstances may require on steep slopes.

Regarding claim 5, Yi discloses the board having upwardly turned ends.

Regarding claim 6, Yi discloses the board having a length of about 31 inches and a width about 8 inches (col. 4, lines 1-5, the platform is sufficient for a person to stand with both feet on the platform).

Regarding claim 7, Yi discloses the roller (33), which is about three-quarter inches in diameter and a clearance between the roller and the board is about 1 inch. Therefore, a height to position the board approximately 4 inches above a supporting surface.

Regarding claim 8, Yi discloses the board, which is substantially octagonal.

**9. Claim 9 is alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Namiki (6,428,022) in view of Hegna as applied to claim 1 above, and further in view of Hanson (6,386,561).**

The combination fo Namiki and Hagna disclose the inline skateboard, but fail to show the board, which is constructed of a material chosen from the group of material consisting of wood, fiberglass and plastic.

Hanson in figures 1-2, teaches a skateboard comprising a board deck (100), which is constructed of a material chosen from the group of material consisting of wood, fiberglass and plastic. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inline skateboard of Namiki in view of Hegna with the skateboard comprising a board deck, which is constructed of a material chosen from the group of material consisting of wood, fiberglass and plastic as taught by Hanson in order to reduce weight and durable for the skateboard in the modem day skateboarder.



**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Buscaglia discloses a turning mechanism for tandem wheeled vehicles, Giannini discloses an in-line skate with spring centering wheels, McCleese discloses a narrow profile truck, Zinanti discloses an omni-direction wheel for skateboard.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christ Ellis can be reached on 703-308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Hau Phan*  
9/3/04  
**HAU PHAN**  
**PATENT EXAMINER**

Hau V Phan  
Examiner  
Art Unit 3618